

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:)	
)	Case No. SWO-L3C-04-01-014
AMANDA ROBINSON AMES,)	
License No. CSW-1154,)	FINDINGS OF FACT,
)	CONCLUSION OF LAW
Respondent.)	AND FINAL ORDER
)	

SWO\Ames\P2177\la

Having reviewed the documents and correspondence contained in the administrative file in this matter, the Idaho Board of Social Work Examiners (hereinafter the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Amanda Robinson Ames ("Respondent") is a duly licensed social worker in the State of Idaho holding License No. CSW-1154.

2. On May 16, 2001, Respondent submitted a Voluntary Statement to the Jefferson County Sheriff's Office wherein Respondent admitted to having a sexual relationship with a minor client in approximately February and March, 2001. A true and correct copy of Respondent's Voluntary Statement, with the victim's name redacted, is attached hereto as Exhibit A.

3. On or about April 4, 2002, Respondent pled guilty to aggravated battery, a felony, and received an Order Withholding Judgment and Order of Probation in State v. Ames, Idaho Seventh Judicial District for Jefferson County Case No. CR-01-2010. A true and correct copy of that Order is attached hereto as Exhibit B.

4. On or about June 21, 2002, Respondent voluntarily surrendered her license, admitting to violations of the Social Work Practice Act. A true and correct copy of the voluntary surrender form signed by Respondent is attached hereto as Exhibit C.

5. Respondent knowingly and freely waived her right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

CONCLUSIONS OF LAW

1. As a licensed social worker in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 32, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations, if proven, would constitute a violation of the laws and rules governing the practice of social work, specifically Idaho Code §§ 54-3211(1) and (6) and IDAPA 24.14.01.450.01.b, 24.14.01.450.01.g, and 24.14.01.450.01.i. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice social work in the State of Idaho.

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke or suspend Respondent's license without further process pursuant to Idaho Code § 54-3211.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, that License No. CSW-1154 issued to Respondent Amanda Robinson Ames is hereby REVOKED for five (5) years from the date of this Order based upon voluntary surrender, and is subject to subsequent review pursuant to Idaho Code § 54-3212.

It is further ordered that, should Respondent request reinstatement of licensure in the future, she present the following information to the Board with her application for reinstatement:

1. Respondent shall provide the Board a full written disclosure of the details surrounding the violation of any client rights addressed in the Voluntary Surrender.

2. Respondent shall provide the Board with certification from her probation officer and/or other appropriate court officer that she has successfully complied with and completed all conditions of her probation in Jefferson County Case No. CR-01-2010.

3. Respondent shall satisfactorily complete a minimum of fifteen (15) semester hours (or the equivalent quarter hours) of graduate-level coursework covering the following subject matters:

- a. Ethics and boundaries between the social worker and clients; and
- b. Interpersonal relationships in counseling, transference, the dynamics between client and social worker, and issues of power and influence that the social worker inherently has over clients.

4. Respondent must receive prior approval by the Board as to both the institution and coursework for which she is seeking credit. After completion of the coursework, Respondent will provide certified transcripts to the Board.

5. Respondent shall undergo individual counseling by a licensed mental health care professional at her own expense, which therapy shall address the circumstances giving rise to the allegations pending before the Board. A copy of this Order shall be provided by Respondent to the licensed mental health care professional prior to treatment. Prior to beginning the counseling, the Board must approve the proposed mental health care professional and the proposed treatment plan. Upon completion of all recommended treatment, the licensed mental health care professional shall prepare a thorough assessment of Respondent's course of treatment, prognosis, and also provide an opinion as to whether Respondent is able to function independently and/or safely as a professional social worker in public or private practice. Such assessment shall be forwarded to the Board for its review in consideration of any request for reinstatement. If the treating mental health care provider is of the opinion that Respondent is unable to function independently and/or safely as a social worker in public or private practice, she

shall be barred from practice until such time as an opinion is received stating that he may practice safely.

6. Respondent shall execute a release of information allowing the Board to obtain access to any information it deems relevant to effectuating the terms of this order.

7. Respondent shall also take and pass the examination required of all new applicants for licensure.

8. Upon a showing of satisfactory completion of the requirements of Paragraphs 1 through 7 above and if approved by the Board, Respondent's license shall be reinstated by the Board on a probationary basis for a period of two (2) years. The conditions of probation are as follows:

a. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of social work in the State of Idaho.

b. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

c. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

d. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

e. Respondent shall make all files, records, correspondence or other documents available immediately upon the demand of any member of the Board's staff or its agents.

9. If, during the two-year probationary period, Respondent appears before the Board because of conduct which, if proven, is cause for disciplinary action against her license, Respondent's license shall then and thereby be revoked.

10. At the conclusion of the two-year probationary period, Respondent may request from the Board termination of the conditions of probation. Any request for termination of probation must be accompanied by written proof of compliance with the terms of this Stipulation. The Board shall terminate Respondent's probation provided all of the terms of this Stipulation have been met.

11. The Board reserves the right to assess investigative costs and attorney's fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this 5th day of August, 2002.

IDAHO STATE BOARD OF
SOCIAL WORK EXAMINERS

By 
Robert Payne, Chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248, AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or
- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 5th day of August, 2002, I caused to be served a true and correct copy of the foregoing by the following method to:

Amanda Robinson Ames
830 North 500 West #115
Bountiful, UT 84010

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

David W. Lloyd
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Rayola Jacobsen, Chief
Bureau of Occupational Licenses

VOLUNTARY STATEMENT

DATE 5/16, 19____ TIME _____ M. PLACE Behavioral Health Center

I, Amanda Ames, am 29 years old and I live at 1666 Carmel Dr #3 Idaho Falls ID 83402

I am giving this statement to _____ I.D. _____, who has identified

himself as a _____ and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons, whomsoever:

I admit to having sex with [REDACTED] once at his parents' house, four times at my apartment, and once in my car. This happened somewhere between the first of February and first of March. It was consensual, there was no coercion on either side, it happened out of the intensity of our relationship. We were both going through very difficult times and I lost my professional boundaries and became too close to him. At the time I felt love for him and made the mistake of entering into a relationship with him. During that time I found out I was

I have read this statement consisting of _____ page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Amanda R. Ames
Signature of person making voluntary statement

The above warnings were given by and exhibit A
this voluntary statement was taken by Page 1 of 3

Witness _____

(This must be one and the same person as named above)

VOLUNTARY STATEMENT

DATE _____, 19____, TIME _____ M. PLACE _____

I, _____, am _____ years old and I live at _____

I am giving this statement to _____ I.D. _____, who has identified himself as a _____

and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever:

pregnant with my husband's baby, realized the seriousness of what I had become involved in and attempted to end the relationship. Shortly after this [REDACTED] entered a treatment facility.

My husband had suspicions of my relationship with [REDACTED] but did not know for sure when he made his initial statement to police. I was very afraid of losing everything and in an attempt to protect everyone involved I made a false statement.

I realize what I have done is wrong and am ready to pay the consequences for

I have read this statement consisting of _____ page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Amanda E. Ames
Signature of person making voluntary statement

The above warnings were given by and this voluntary statement was taken by Exhibit A
Page 2 of 3

Witness _____

(This must be one and the same person as named above)

VOLUNTARY STATEMENT

DATE _____, 19____. TIME _____ M. PLACE _____

I, _____, am _____ years old and I live at _____

I am giving this statement to _____ I.D. _____, who has identified

himself as a _____ and he has duly warned me that I have the following rights: that I have the right to remain silent and not make any statement at all; that any statement I make may be used against me at my trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever:

my actions, and I am also ^{receiving} ~~seeking~~ mental health services at this time

I want to state that his parents were aware of the time I was spending with [REDACTED]. I had mentioned to them that I was too close to [REDACTED] and he had been referred to another counselor before our relationship began. I realize that I took advantage of the trust they had in me and have now destroyed it. I had good intentions for trying to help [REDACTED] and his family but ended up making some bad decisions due to my own mental health issues.

I have read this statement consisting of _____ page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Amanda P. Ames
Signature of person making voluntary statement

The above warnings were given by and this voluntary statement was taken by

Exhibit A
Page 3 of 3

Witness _____

(This must be one and the same person as named above)

COPY

STATE OF IDAHO

CLERK OF JEFFERSON

I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING
IS A FULL, TRUE AND CORRECT COPY OF THE
ORIGINAL THEREOF (ON FILE) (ON RECORD) IN MY
OFFICE.

DATED

4-23-02

2002 APR -4 AM 8:11

CONNIE M. KELLER

CLERK OF JEFFERSON COUNTY

DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
STATE OF IDAHO, IN AND FOR THE COUNTY OF JEFFERSON

STATE OF IDAHO,

Plaintiff

vs.

AMANDA AMES

Defendant

CASE NO. CR-01-2010

ORDER WITHHOLDING JUDGMENT
AND ORDER OF PROBATION

WHEREAS, on the 19th day of February, 2002 the defendant plead Guilty before the Honorable Brent J. Moss, District Judge of the Seventh Judicial District Court in and for the County of Jefferson.

AND WHEREAS, the defendant was fully informed by the Court of the nature of the Amended charge of AGGRAVATED BATTERY, as set forth in the Information, a violation of Idaho Code Section 18-903, 18-907(a) such was committed from February to March, 2001. Upon inquiry from the court, the defendant advised that she did not wish to withdraw said plea.

AND WHEREAS, on the 1st day of April, 2002, the Prosecuting Attorney for Jefferson County, Idaho, together with the above named defendant appeared before the court for the pronouncement of sentence upon the defendant;

AND WHEREAS, and the Court addressed the defendant personally and advised the defendant of her right to make a statement in her own behalf and to present any information in mitigation of punishment;

AND WHEREAS, the defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given.

Exhibit

6

Page

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of 5

AND WHEREAS, defendant has requested probation from the District Court and, said District Court, having reviewed and considered the criteria for placing a defendant on probation or imposing imprisonment under I.C. 19-2521, and having reviewed the provision of I.C. 19-2601 and Rule 33 (d) of the Idaho Criminal Rules regarding the defendant's request for probation, does hereby order and decree that said defendant be placed on probation for a period of 5 years and judgment is hereby withheld for a period of 5 years under the following conditions:

1. That the probation is granted to and accepted by the probationer, subject to all the terms and conditions specified in the Conditions of probation and the Department of Corrections Agreement of Supervision, which must be obeyed a copy of which is attached hereto and made a part hereof by this reference, and with the understanding that the Court may at any time, in case of violation of the terms of the probation, cause the probationer to be returned to the Court for the imposition of sentence as prescribed by law.

2. That the probationer shall be under the legal custody and control of the Director of Probation and Parole of the State of Idaho and the District Court and subject to the rules of probation as prescribed by the Board of Corrections and the District Court including those attached hereto.

3. That the probationer, if placed on probation to a destination outside the State of Idaho, or leaves the confines of the State of Idaho with or without permission of the Director of Probation and Parole does hereby waive extradition to the State Of Idaho and also agreed that the said probationer will not contest any effort by any state to return the probationer to the State of Idaho.

4. That the probationer is also subject to the following Special Conditions, to wit:

- a. The defendant shall complete 100 hours Community Service,
- b. Be evaluated by her supervising officer for participation in a cognitively based restructuring program or any other type of behavior modification program as deemed appropriate.
- c. Complete a thorough psychosexual Evaluation by an Idaho Department of Correction approved provider and adhere to its recommendations.
- d. Have absolutely no contact, in any form with the victim in this case, including any third party contact,
- e. That any transfer of supervision to another State must be approved in advance by the Idaho Department of Corrections and the receiving State,
- f. That the defendant continue her psychological counseling for the term of her probation,

ORDER WITHHOLDING JUDGMENT AND ORDER OF PROBATION

Exhibit 6
Page 2 of 5

5. And it is further ordered that upon expiration of the period of withheld judgment herein fixed, or the earlier determination thereof, and upon written showing by or on behalf of the defendant that he has fully complied with the terms of probation, then and in that event, this action shall be dismissed.

Dated this ^{1st} ~~16th~~ day of ^{April} ~~May~~, 2000

Brent J. Moss

Brent J. Moss, District Judge

ORDER WITHHOLDING JUDGMENT AND ORDER OF PROBATION

Exhibit B
Page 3 of 5

CONDITIONS OF PROBATION

1. Probationer shall report within 72 hours unless otherwise directed by the Court to the District 7 Probation and Parole Office and make him/herself available to the probation activation process.

2. Probation has been ordered for a specific length of time; however, probation shall not be terminated until the Court has both reviewed the performance of the probationer and has signed an order discharging the probation. Probation is subject to extension for non-payment of costs, fines, and restitution or unsatisfactory performance.

3. In addition to any jail sentence ordered to be served immediately, the probationer shall serve an additional 120 days at any time during the probationary period to be served at the discretion of the court as recommended by an agent of probation and parole.

4. Probationer shall pay the following to the clerk of the District Court:

Court Costs	\$ <u>138.50</u>
Victim's Relief Fund	\$ _____
Public Defender Fees	\$ _____
Fine	\$ <u>361.50</u>
Restitution	\$ <u>T B D</u> - <u>1,229.95</u>
Community Service Insurance	\$ <u>60.00</u>

The Court may order probationer to pay up to an additional 25% of restitution ordered to be paid to compensate for delay in payment. If restitution is not set at the time of sentencing, the prosecutor's office shall submit an itemized statement of costs which will determine restitution, subject to further order of the court.

If community service has been ordered by the Court or as a condition of supervision on a specialized caseload, the probationer is responsible for workman's compensation fees at a rate of 60 cents per hour unless waived or reduced by the Court.

5. Probationer shall not purchase, carry, or have in possession or control any firearm, ammunition, explosives, or other dangerous weapons.

6. Probationer shall not without permission from the Court or probation department: (a) purchase or operate a motor vehicle; (b) incur any unnecessary indebtedness; (c) leave the assigned district.

7. Probationer shall submit to a search of her person, residence or vehicle, at the request of an agent of probation and parole, without a search warrant.

CONDITIONS OF PROBATION

8. Probationer shall maintain employment or an approved program at all times or, if not employed, make a diligent effort to obtain employment. Probationer shall report any termination of employment or program to the supervising probation officer within two day of termination.

9. Probationer shall participate in any mental health, drug/alcohol abuse program, vocational habilitation, educational or learning program as recommended by her probation officer and pay the costs of such programs.

10. Probationer shall participate in and successfully complete any specialized caseload program prescribed by the Department of Corrections as recommended by the supervising probation officer.

11. Probationer shall not associate with any individual specified by his/her probation officer. Further, probationer shall not associate with anyone connected unlawfully to this crime or anyone on probation or parole or people who use unlawful drugs.

12. Probationer shall not frequent any establishment where the sale of alcohol is the major source of income and must not consume any alcoholic beverages not use any drugs or controlled substances not prescribed by a licensed physician.

13. Probationer shall submit at her own expense (unless waived) blood, breath, or urine at the request of an agent of probation and parole to be analyzed for the detection of substance abuse or alcohol consumption.

14. Probationer shall respect and obey all laws and report any criminal arrest of receipt of any citation for violation of the law to her probation officer within two days of arrest or receipt of any citation.

15. Probationer shall submit to a polygraph examination at her own expense (unless waived) if requested by her probation officer.

This is to certify that I have read or have had read to me and fully understand all the conditions, regulation, and restrictions as made by the State Board of Corrections and those imposed by the District Court as conditions of my being granted probation. I hereby agree to abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation.

Probationer

Date

Probation, Officer

Date

CONDITIONS OF PROBATION

Exhibit B
Page 5 of 5

ORIGINAL

VOLUNTARY SURRENDER OF LICENSURE

I, AMANDA ROBINSON AMES, hereby voluntarily surrender my license to practice as a social worker in the State of Idaho. I agree and consent that the surrender of my license to practice as a social worker is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my alleged failure to comply with the Social Work Licensing Act, title 54, chapter 32, Idaho Code, and the rules promulgated by the Idaho State Board of Social Work Examiners ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my license to practice as a social worker.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of social workers, title 54, chapter 32, Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board.

I acknowledge that in surrendering my license to practice as a social worker, I am not making any admissions; however, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my license pursuant to Idaho Code § 54-3204. I understand that, pursuant to Idaho Code § 54-3204, the Board will enter an order either revoking or suspending my license to practice as a social worker based upon my voluntary surrender of my license.

I understand and acknowledge that by surrendering my license to practice as a social worker all of the privileges associated with it are hereby surrendered, until such time as I am again properly licensed.

I understand that to regain a license to practice as a social worker in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 32, Idaho Code, and all applicable rules and orders entered by the Board.

I waive refund of any payments made by me in connection with my license under the Idaho Social Work Licensing Act and any rules promulgated thereunder.

Name of Licensee: Amanda Robinson Ames License No.: CSW-1154

Address of Licensee: 830 North 500 West #115 Bountiful UT 84010
street city zip

Signature of Licensee or Authorized Individual: Amanda Robinson Ames

Date: 6/21/02

Signature of Witness: Larry Garcia

Date: 6/21/02